Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARINGS - July 15, 1970 and September 16, 1970

Appeal No. 10449 Marlow Coal Company, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of September 22, 1970.

EFFECTIVE DATE OF ORDER - Oct. 2, 1970

ORDERED:

That the appeal for permission to continue parking lot on Lots 2 and 3 and to establish parking on Lots 800-802, Square 758 at 216-230 A Street, NE., be conditionally granted.

FINDINGS OF FACT:

- 1. The subject property is located in an R-4 District.
- 2. The subject property, Lots 800,801 and 802, are vacant, however, Lots 2 and 3 are presently being used as a non-commercial parking lot under BZA Appeal No. 4293.
- 3. Appellant proposes to establish a non-commercial parking lot on Lots 800,801 and 802 in concjunction with the present parking on lots 2 and 3 for the U.S. Supreme Court employees.
- 4. Appellant alleged that the Supreme Court has occupied and used the major portion of the property as a parking lot since 1956. Appellant also alleged that the subject property would be maintained exclusively under the direction of the Marshal's Office of the Supreme Court (See BZA Exhibit No. 13) and would be patrolled regularly by the police assigned to the Supreme Court.
- 5. The Department of Highways and Traffic offered no objection to the granting of this appeal.

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- 6. Opposition by letter dated July 21, 1970 requested that the Board postpone its decision in this case alleging lack of sufficient notice. The opposition also by letter dated August 6, 1970 requested that the Board postpone its decision and grant a new hearing.
- 7. The Board in executive session August 18, 1970 granted the opposition's request for a rehearing.
- 8. At the public hearing on September 16, 1970, the opposition opposed the establishment of parking on Lots 800,801 and 802 on the grounds that the parking lot is not a necessity and will not create an extreme hardship on the personnel of the Supreme Court if the parking lot extension is denied. The opposition further alleged that because of the improved condition of this community since the original granting of a parking lot, the property would be put to a better use and that a parking lot will create a hazard and inconvenience for its neighbor. Also the prior acts of appellant and Supreme Court do not warrent the granting of this appeal.

OPINION:

We are of the opinion that the establishment of this non-commercial parking lot on Lots 801 and 802 in conjunction with the parking lot on Lots 2 and 3 will not create any dangerous or otherwise objectionable traffic conditions, that the present character and future development of the neighborhood will not be adversely affected, and that the lot is reasonably necessary and convenient to other uses in the vicinity. However, the Certificate of Occupancy shall not issue until the conditions hereafter set forth in this Order are complied with.

This Order shall be subject to the following conditions:

- [a] There will be no parking on Lot 800.
- [b] There will be bumper stops 10 feet from Lot 813 with a privite hedge on the side of Lot 800 closest to Lot 801 with bumper stops at the property line on Third Street (See BZA Exhibit No. 35).

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- [c] Permit shall issue for a period of five (5) years, but shall be subject to renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed by the Zoning Regulations.
- [d] All reas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- [e] An eight (8) inch coping shall be erected and maintained along each side of all driveways to protect the public space.
- [f] No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- [g] All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- [h] No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structures are otherwise permitted in the zoning district in which the parking lot is located.
- [i] Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

The Board reserves the right to direct revocation of the occupancy permit upon a proper showing that any terms or conditions of this Order have been violated.

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT ATTESTED:

By: PATRICK E KELLY

Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX

MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY

PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A

PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

PZ.A. 10449

RECEIVED
SEP 28 1970

Zoning Office, D.C.

